

charges, fees, rates and rents shall be liens upon the real estate on which the water or sewer services were used and may be collected in the same manner as real estate taxes are collected. (Char. Res. 04-05, 04-27-04.)

Section 16-74. Extensions beyond boundaries.

The City shall have the authority, but shall not be obligated, to extend its water system or its sewer system beyond the corporate limits of the City. (Char. Res. 04-05, 04-27-04.)

Section 16-75. Acquisition of property.

The mayor and council shall have the authority to acquire by gift, purchase, lease or condemnation any land, improvements, rights of way, sources of water or other property of any kind or interest, either in fee or as an easement, for the purpose of establishing, operating, extending or maintaining the water system, water plant, sanitary sewerage system, sewerage treatment plant or storm water sewers. Any condemnation proceedings shall be brought and conducted in accordance with the law of the State of Maryland. (Char. Res. 04-05, 04-27-04.)

Article IX. (Repealed.)

Article X. Special Assessments.

Section 16-76. Authority of City to levy special assessments.

The City shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the design, installation, construction, maintenance, repair and removal of water mains, sanitary sewer mains, storm water sewers, roads and public ways and sidewalks or parts thereof, curbs, gutters, walls and retaining walls, and other public improvements and projects, and to provide for the payment of all or any part of the above improvements and projects out of the proceeds of such special assessment. The cost of any improvement or project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the improvement or project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, and the reasonable charges for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the improvement or project. (**Char. Res. 03-03, 4-8-03.**)

Section 16-77. Procedure

The procedure for levying and collecting special assessments, wherever authorized in this Charter, shall be as follows:

- (a) Costs. The cost of the improvement or project shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the mayor and council.

- (b) **Assessment.** The amount assessed against any property for any improvement or project shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the City and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per cent (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
- (c) **Classes.** The mayor and council may, when it considers it to be beneficial, divide the affected property into different classes to be charged different rates, but except for this, any rate shall be uniform.
- (d) **Levy; hearing.** All special assessment charges shall be levied by the mayor and council by ordinance. Before levying any special assessment charges, the mayor and council shall hold a public hearing. Notice shall be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the mayor and council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. If the owner is unknown or is absent, then the affected property may be posted with the notice. The City Administrator shall present at the hearing a certificate of publication and mailing, or posting as the case may be, of copies of the notice; however, failure to present such certificate shall not invalidate the proceedings. The date of the hearing shall be set at least ten and not more than thirty days after the newspaper publication as provided in this section. Following the hearing the mayor and council, in its discretion, may vote in accordance with regular legislative procedures to proceed with the project and may levy the special assessment.
- (e) **Judicial Review.** Any interested person aggrieved by the levying of any special assessment under the provisions of this section may, within thirty days after the levying of any assessment by the mayor and council, request judicial review of the levying of the assessment in accordance with the provisions of the Maryland Rules pertaining to Judicial Review of Administrative Agency Decisions.
- (f) **Payment.** The mayor and council may make the special assessments payable in annual or more frequent installments over such period of time, not to exceed twenty years, and in such manner, as the mayor and council may determine. The mayor and council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by

the mayor and council. The mayor and council may provide that the entire special assessment, or any remaining portion thereof, shall be paid in full in the event of a sale, conveyance, or other transfer of any or all of the property.

- (g) Overdue. All special assessment installments shall be overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as City taxes or any other means permitted by law for the collection of taxes.
- (h) Bills. All special assessments shall be billed and collected by the City Administrator or the Treasurer for Frederick County.

(Char. Res. 03-03, 4-8-03.)